

Mieles, Janette

From: Taylor, Karen
Sent: Tuesday, June 18, 2013 12:39 PM
To: Jamison, Rebecca; Mcchesney, Dennis
Cc: Sawyer, William
Subject: RE: PR UST regulations - penalty matrix and red tag

EQB previously stated (on the 4/29 call) that the attorneys issue fines that they considered low. However, on yesterday's call, EQB indicated that they may want to have higher fines than the ones in the proposed field citation/penalty matrix and may want to consider the "capacity of the business."

I suggest we ask the EQB attorney to attend the next call or schedule the call when she is available.

Rule 1008 from the current PRUST is what I'd like to see. Please send me a copy if you have it. Thanks.

From: Jamison, Rebecca
Sent: Tuesday, June 18, 2013 11:54 AM
To: McChesney, Dennis; Taylor, Karen
Cc: Sawyer, William
Subject: RE: PR UST regulations - penalty matrix and red tag

Yes the attorney said per the citation below they can shut down facilities for non compliance. But staff is not allowed to issue monetary penalties, e.g. a Field Citation.

From: McChesney, Dennis
Sent: Tuesday, June 18, 2013 11:45 AM
To: Jamison, Rebecca; Taylor, Karen
Cc: Sawyer, William
Subject: RE: PR UST regulations - penalty matrix and red tag

So EQB has current authority to issue a Delivery Prohibition?

Dennis J. McChesney, Ph.D., MBA
Team Leader
UST Team
U.S. EPA Region 2
290 Broadway
New York, NY 10007-1866
Voice (212) 637- 4232
Fax (212) 637- 4211

From: Jamison, Rebecca
Sent: Tuesday, June 18, 2013 11:41 AM
To: Taylor, Karen
Cc: McChesney, Dennis; Sawyer, William
Subject: RE: PR UST regulations - penalty matrix and red tag

Thanks.

EQB had previously stated that currently when AOs are issued by their Legal Department the fines are only around \$500 for all violations. So the program (and I understand the Chair) wants to establish a matrix which shows a per penalty violation. They already have established policies for various issues associated with negotiation during an Admin Order like our policy but there is no base penalty matrix for the program or Legal to refer to, it changes with each administration via policy.

I'm sending Law 416 separately and looking for the Regulation

Regulation 4362, Rule 1008, which is the current Regulation of Underground Storage Tanks, allows for the EQB to close the UST Facility when found in violation of any Rule in said regulation. Also under Law 416 articles 9(A)(1), 9(A)(7), 9(A)(8) and 9(A)(10), fuel delivery prohibitions may be allowed

From: Taylor, Karen
Sent: Tuesday, June 18, 2013 11:18 AM
To: Jamison, Rebecca
Cc: McChesney, Dennis; Sawyer, William
Subject: RE: PR UST regulations - penalty matrix and red tag

EQB stated that inspectors do not have the authority to issue penalty to support the proposed field citation program (which was presumably patterned after EPA's). Converting the proposed field citation penalties to a penalty matrix is basically putting a penalty policy in the regulations, whether you call it a matrix or policy. My comment was that the proposed field citation/penalty matrix is not as flexible or comprehensive as a penalty policy.

Do you have the 1990 PRUST Part X which included the section on shutting down a station for failure to comply?
Did you compare the old Part X to the new section for fuel delivery bans?
The PRUST copy that is circulated within ORC does not contain that Part of the PRUST.

From: Jamison, Rebecca
Sent: Tuesday, June 18, 2013 10:32 AM
To: Taylor, Karen
Cc: McChesney, Dennis
Subject: Meet prior to July 3rd? FW: Meeting Forward Notification: UST EPAAct regulations--finalize

Karen—should we plan to meet and discuss the EQB regulations prior to the call with EQB on July 3rd?

And if you have time today, I can explain to you what was happening on the call yesterday with the penalty appendix which should have just been referred to as the “penalty matrix” and not “policy”.

From: Microsoft Outlook **On Behalf Of** Taylor, Karen
Sent: Tuesday, June 18, 2013 10:03 AM
To: Jamison, Rebecca
Subject: Meeting Forward Notification: UST EPAAct regulations--finalize

Your meeting was forwarded

[Taylor, Karen](#) has forwarded your meeting request to additional recipients.

Meeting

UST EAct regulations--finalize

Meeting Time

Wednesday, July 03, 2013 2:00 PM-4:00 PM.

Recipients

[Sawyer, William](#)

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server 2013